

COPY



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

MAR - 3 2005

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
#7003-2260-0001-7779-2289

John Wagner, Administrator
Wyoming Department of Environmental Quality
Water Quality Division
122 West 25th Street
Herschler Building, 4th Floor West
Cheyenne, WY 82001

Re: Notice of Proposed Assessment of
Class II Civil Penalty
Docket No. CWA-08-2005-0011

Dear Mr. Wagner:

Enclosed is a copy of an administrative complaint and notice of proposed assessment of a civil penalty against Alan Box and Wind River Land and Cattle Company, LLC ("Respondents") of Crowheart, Wyoming. The United States Environmental Protection Agency ("EPA") filed the complaint pursuant to section 309(g), 33 U.S.C. section 1319(g), of the Clean Water Act ("CWA") to begin the process to assess administratively a Class II civil penalty of \$20,000 jointly and severally against the Respondents for violations of the CWA. Because the violations occurred in Wyoming, EPA is offering you the opportunity to confer with us regarding the proposed assessment.

You or your staff may request a conference within 30 days of receiving this letter. The conference may be in person or by telephone and may cover any matters relevant to the proposed assessment.

A copy of EPA procedures governing the administrative assessment of civil penalties under the CWA is enclosed for your reference. If you have any questions, the most knowledgeable person on my staff for legal issues is Elyana Sutin, Senior Enforcement Attorney,



Printed on Recycled Paper

who can be reached at 303-312-6899. The most knowledgeable person on my staff for technical issues is Kenneth Champagne, Section 404 Enforcement Officer, who can be reached at 303-312-6608.

Sincerely,

for Eddie A. Sierra
Carol Rushin

Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

1. Administrative Complaint
2. Administrative Penalty Procedures (40 C.F.R. Part 22)
3. Certificate of Service

cc: Tina Artemis, EPA, Regional Hearing Clerk



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MAR - 3 2005

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

#7003-2260-0001-7779-2265

#7003-2260-0001-7779-2272

Alan Box
Wind River Land & Cattle Company, LLC
779 Wilderness Road
P.O. Box 642
Crowheart, WY 82512

and

Wind River Land & Cattle Company, LLC
c/o Mead & Mead
185 East Hansen
Jackson, WY 83001

Re: Notice of Proposed Assessment of
Class II Civil Penalty
Docket No. **CWA-08-2005-0011**

Dear Mr. Box:

Enclosed is a document entitled Administrative Complaint ("Complaint"). The United States Environmental Protection Agency ("EPA") is issuing this Complaint against you pursuant to section 309 of the Clean Water Act ("Act"), 33 U.S.C. § 1319. In the Complaint, EPA alleges that you violated sections 301 and 404 of the Act, 33 U.S.C. §§ 1311 and 1344, by placement of dredged or fill material into the Wind River, including its side channels, on your property at a site located in the northeast quarter of Section 24, Township 5 North, Range 5 West, the southwest quarter of Section 19, and southeast quarter of Section 29, Township 5 North, Range 4 West of the Wind River Meridian, Fremont County, Wyoming, within the exterior boundaries of the Wind River Indian Reservation. The Complaint proposes that a penalty of \$20,000 be assessed for these violations.



You have the right to a hearing to contest the factual allegations in the Complaint. We have enclosed a copy of 40 C.F.R. Part 22, which identifies the procedures EPA follows in Class II penalty assessments. Please note the requirements for an answer to the Complaint in 40 C.F.R. § 22.15(b).

If you wish to contest the allegations in the Complaint or the penalty proposed in the Complaint, you must file an answer within thirty (30) days of receipt of the enclosed Complaint to the EPA Region 8 Hearing Clerk at the following address:

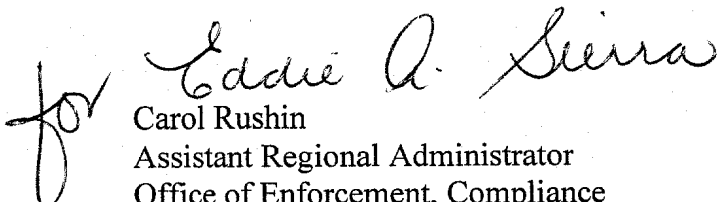
Regional Hearing Clerk (8RC)
U.S. EPA Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466

If you do not file an answer by the applicable deadline [See 40 C.F.R. § 22.15(a)], you may be found in default. A default judgment may impose the full penalty proposed in the Complaint.

EPA encourages settlement of these proceedings at any time prior to a formal hearing if the settlement is consistent with the provisions and objectives of the Act and applicable regulations [See 40 C.F.R. § 22.18]. If a mutually satisfactory settlement can be reached, it will be formalized in a Consent Agreement. Upon final approval of the Consent Agreement by the Regional Judicial Officer, you will be bound by the terms of the Consent Agreement and will waive your right to a hearing on, and judicial appeal of, the agreed upon civil penalty. You have the right to be represented by an attorney at any stage of the proceedings, including any informal discussions with EPA, but it is not required.

Please note that arranging for a settlement meeting does not relieve you of the need to file a timely answer to EPA's Complaint. If you wish to discuss settlement of this matter, the most knowledgeable person on my staff for legal issues is Elyana Sutin, Senior Enforcement Attorney, who can be reached at 303-312-6899. The most knowledgeable person on my staff for technical issues is Kenneth Champagne, Section 404 Enforcement Officer, who can be reached at 303-312-6608. We urge your prompt attention to this matter.

Sincerely,


for Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures:

1. Administrative Complaint
2. Administrative Penalty Procedures (40 C.F.R. Part 22)
3. Certificate of Service

cc: Tina Artemis, EPA - Regional Hearing Clerk
Connally Mears, Director, Tribal Assistance Program, EPA
Gwen Jacobs, Tribal Assistance Program, EPA
Ivan Posey, Chairman, Eastern Shoshone Business Council
Richard Brannan, Chairman, Northern Arapaho Business Council
Don Aragon, Director, Wind River Environmental Quality Commission
Ray Nation, Environmental Coordinator, BIA - Fort Washakie, WY
Perry Baker, Superintendent, BIA - Fort Washakie, WY
Matthew A. Bilodeau, U.S. Army Corps of Engineers - Cheyenne, WY

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2005 MAR -3 AM 8:14

FILED
EPA REGION VIII
COMPLAINT CLERK

IN THE MATTER OF:

ADMINISTRATIVE COMPLAINT

**Alan Box and
Wind River Land & Cattle Company, LLC.
Fremont County, Wyoming**

Docket No. CWA-08-2005-0011

Respondents.

I. STATUTORY AUTHORITY

1. This Administrative Complaint ("Complaint") is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by section 309(g)(1)(A) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(g)(1)(A), and properly delegated to the undersigned EPA official ("Complainant").
2. Pursuant to section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits," 40 C.F.R Part 22, Complainant hereby proposes the assessment of a civil penalty against Alan Box and Wind River Land and Cattle Company, LLC ("Respondents") for their violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

II. ALLEGATIONS

1. Respondent Wind River Land and Cattle Company, LLC. is a Wyoming limited liability company having an office address of 185 East Hansen, Jackson, Wyoming 83001. Wind River Land and Cattle Company, LLC. is currently in good standing with the Wyoming Secretary of State's office and its registered agent is Alan Box.
2. Alan Box is the owner of Wind River Land and Cattle Company, LLC.
3. At all relevant times, Alan Box and Wind River Land and Cattle Company, LLC. owned, controlled and/or operated the property containing the Wind River and its side channels located in the northeast quarter of Section 24, Township 5 North, Range 5 West, the southeast quarter of Section 19, and southeast quarter of Section 29, Township 5 North, Range 4 West of the Wind River Meridian in Fremont County, Wyoming.
4. The Wind River and its side channels are tributary to the Bighorn River, which is tributary to the Yellowstone River, which is tributary to the Missouri River. The Yellowstone River and the Missouri River are, and were at all relevant times, navigable, interstate waters.
5. Respondents are each a "person" as defined by section 502(5) of the CWA, 33 U.S.C. § 1362(5).
6. Between January and March 1999, Respondents and/or their agents conducted stream bank stabilization activities, resulting in the discharge of dredged or fill material to approximately 3,800 feet of stream channel (estimated 12 acres) of the Wind River and its side channels.

7. On April 14, 1999, the Army Corps of Engineers ("Corps") inspected the Respondents' property after receiving complaints of impacts to the Wind River. The Corps found that the Respondents and/or their agents discharged dredged or fill material into waters of the United States during construction of the bank stabilization projects.
8. By letter dated May 7, 1999, the Corps found that the Respondents' actions, as described in paragraph 6 of Section II of this Complaint, required prior Corps authorization and that the required authorization had not been granted. Further, the Corps directed Respondents to "cease and desist" any further unauthorized work at the Respondents' property.
9. On July 13, 1999, EPA Region 8 was notified by the Corps of the violations described above.
10. Pursuant to section 309 of the CWA, 33 U.S.C. § 1319, EPA issued a Findings of Violation and Order for Compliance Docket No. CWA-08-2001-51 ("Order") to the Respondents on September 25, 2001, for the unauthorized discharge of dredged or fill material into waters of the United States, in violation of sections 301(a) and 404 of the CWA, 33 U.S.C. § 1311(a). The Order required the Respondents to prepare and implement a Restoration Plan for removal of the dredged and fill material placed into the Wind River and its side channels and restoration of the channel configuration to its pre-impact conditions.
11. The activities described in paragraph 6 of Section II of this Complaint were performed using common earthmoving vehicles and equipment, including, but not limited to, a bulldozer operated by Respondents and/or by one or more individuals on behalf of Respondents.

12. The discharged dredged material referenced above is, and was at all relevant times, “dredged material” within the meaning of 33 C.F.R. § 323.2(c) and (d) and “pollutants” within the meaning of section 502(6) of the CWA, 33 U.S.C. § 1362(6).
13. The discharged fill material referenced above is and was at all relevant times “fill material” within the meaning of 33 C.F.R. § 323.2(e) and (f) and “pollutants” within the meaning of section 502(6) of the CWA, 33 U.S.C. § 1362(6).
14. The Wind River and its side channels filled and disturbed by Respondents’ unauthorized activities provided various functions and values, including: wildlife habitat for birds, mammals, reptiles and amphibians; water quality enhancement; flood attenuation; and/or aesthetics.
15. The vehicles and equipment described in paragraph 11 of Section II of this Complaint are and were at all relevant times each a “point source” within the meaning of section 502(14) of the CWA, 33 U.S.C. § 1362(14).
16. The Wind River and its side channels referenced in paragraphs 3 and 4 of Section II of this Complaint are and were at all relevant times “waters of the United States” within the meaning of 33 C.F.R. § 328.3(a) and therefore “navigable waters” within the meaning of section 502(7) of the CWA, 33 U.S.C. § 1362(7).
17. The placement of dredged or fill material into the Wind River and its side channels constitutes the “discharge of pollutants” within the meaning of section 502(12) of the CWA, 33 U.S.C. § 1362(12).

18. Section 301(a) of the CWA, 33 U.S.C. § 1311, prohibits, among other things, the discharge of pollutants by any person into waters of the United States except as in compliance with section 404 of the CWA, 33 U.S.C. § 1344.
19. Section 404 of the CWA, 33 U.S.C. § 1344, sets forth a permitting system authorizing the Secretary of the Army, acting through the Chief of Engineers of the Corps, to issue permits for the discharge of dredged or fill material into navigable waters which are defined as waters of the United States.
20. 33 C.F.R. § 323.3(a) specifies that, unless exempted pursuant to 33 C.F.R. § 323.4, a permit issued by the Corps is required for the discharge of dredged or fill material into waters of the United States.
21. Respondents are not and never have been authorized by a permit issued pursuant to section 404 of the CWA, 33 U.S.C. § 1344, to conduct any of the activities described in paragraph 6 of Section II of this Complaint.
22. The activities conducted by Respondents and/or their agents as described in paragraph 6 of Section II of this Complaint violate section 301 of the CWA, 33 U.S.C. § 1311. Each discharge of pollutants from a point source by Respondents into waters of the United States without the required permits issued pursuant to section 404 of the CWA, 33 U.S.C. § 1344, constitutes a violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a). Each day the discharges remain in place without the required permits constitutes an additional day of violation of section 301(a).
23. According to Respondents' December 31, 2004, first annual monitoring report, removal of the unauthorized dredged and fill material from the Wind River and its side channels

was completed by Respondents on May 14, 2004, pursuant to EPA's September 25, 2001 Order.

24. Pursuant to EPA's September 25, 2001 Order, restoration activities, including revegetation, best management practices, monitoring, and reporting, will continue until EPA determines that the site has been restored to its pre-impact conditions.
25. Pursuant to section 309(g) of the CWA, 33 U.S.C. § 1319(g), EPA will consult with the Wyoming Department of Environmental Quality, Water Quality Division, regarding assessment of this administrative penalty by furnishing a copy of this Complaint and inviting comment on behalf of the State of Wyoming.

III. PROPOSED ADMINISTRATIVE PENALTY

Based upon the foregoing allegations, and pursuant to its authority under section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), EPA Region 8 hereby proposes to assess an administrative penalty of \$20,000 against Respondents.

The proposed penalty amount was determined by EPA after taking into account all factors identified at section 309(g)(3) of the CWA, 33 U.S.C. § 1319(g)(3). These factors include the nature, circumstances, extent, and gravity of the violations, Respondents' prior compliance history, Respondents' degree of culpability for the cited violations, any economic benefit or savings accruing to Respondents by virtue of the violations, Respondents' ability to pay the proposed penalty, and other matters that justice may require.

IV. TERMS OF PAYMENT

If Respondents do not contest the findings and assessments set out above, payment of the penalty for the violation may be forwarded to EPA. If such payment is made within 30 calendar days of receipt of this Complaint, then no answer need be filed. Penalty payment must be made by certified or cashier's check payable to "Treasurer, the United States of America," and remitted to:

Regional Hearing Clerk
P.O. Box 360859 M
Pittsburgh, PA 15251

A copy of the check shall be sent to:

Elyana Sutin
Senior Enforcement Attorney
U.S. EPA, Region 8 (8ENF-L)
999 18th Street, Suite 300
Denver, CO 80202-2466

A transmittal letter identifying the case title and docket number must accompany the remittance and copy of the check. The case title and docket number should also be indicated directly on the check.

Neither the assessment nor the payment of an administrative penalty pursuant to section 309(g) of the CWA shall effect Respondents' continuing obligation to comply with the CWA or any other Federal, state, or local law or regulation or any compliance order issued under the CWA.

V. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

As provided in section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), and 40 C.F.R. § 22.15(c), Respondents have the right to a hearing in this matter. If Respondents (1) contest any material fact upon which the Complaint is based, (2) contend that the amount of penalty proposed in the Complaint is inappropriate, or (3) contend that they are entitled to judgment as a matter of law, Respondents must file a written answer in accordance with 40 C.F.R. § 22.15 within thirty (30) days after service of the Complaint.

Respondents' answer must (1) clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint, (2) state the circumstances or arguments that are alleged to constitute grounds for defense, (3) state the facts intended to be placed at issue, and (4) specifically request a hearing, if desired. 40 C.F.R. § 22.15(b). Failure to admit, deny, or explain any materially factual allegation contained in the Complaint constitutes an admission of the allegation. 40 C.F.R. § 22.15(d). Respondents' answer, an original and one copy, must be filed with:

Regional Hearing Clerk (8RC)
U.S. EPA, Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

A copy of Respondents' answer and all other documents filed in this action must be sent to:

Elyana Sutin
Senior Enforcement Attorney
U.S. EPA, Region 8 (8ENF-L)
999 18th Street, Suite 300
Denver, CO 80202-2466

If Respondents request a hearing on the proposed penalty assessment, members of the public who have exercised their right to comment on this Complaint will have the right to present evidence on the propriety of the penalty assessment. EPA is obligated to give notice of the hearing to those who comment. Section 309(g)(4)(B) of the CWA and 40 C.F.R. § 22.45.

**IF RESPONDENTS FAIL TO REQUEST A HEARING,
THEY WILL WAIVE THEIR RIGHT TO CONTEST ANY
OF THE ALLEGATIONS SET FORTH IN THE
COMPLAINT.**

**IF RESPONDENTS FAIL TO FILE A WRITTEN ANSWER
WITHIN THE THIRTY (30) DAY TIME LIMIT, A
DEFAULT JUDGMENT ENTERED PURSUANT TO
40 C.F.R. § 22.17 MAY IMPOSE THE FULL PENALTY
PROPOSED IN THE COMPLAINT.**

Members of the public who comment on this Complaint during the thirty (30) day period will have an additional thirty (30) days to petition EPA to set aside any consent agreement that may be reached and to hold a public hearing thereon. A petition will be granted and a public hearing held to comment on the consent agreement only if the petitioner's evidence is material and was not considered by EPA in the issuance of the consent agreement. 40 C.F.R. § 22.45(c)(4).

VI. SETTLEMENT CONFERENCE

EPA encourages the exploration of settlement possibilities through an informal settlement conference. Please note that a request for, scheduling of, or participation in a settlement conference does not extend the period for filing an answer and request for hearing as set out above. The settlement process, however, may be pursued simultaneously with the administrative litigation process. If a settlement can be reached, its terms must be expressed in a written

consent agreement signed by the parties and incorporated into a final order by the Regional
Judicial Officer. 40 C.F.R. §22.18.

Please direct a request for a settlement conference, or any questions regarding this

Complaint, to:

Elyana Sutin
Senior Enforcement Attorney
U.S. EPA, Region 8 (8ENF-L)
999 18th Street, Suite 300
Denver, CO 80202-2466
303-312-6899

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8
Complainant.

Date: 02/28/2005

Eddie A. Sierra
for Carol Rushin
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

CERTIFICATE OF SERVICE

I certify that, on the date noted below, I sent by certified mail, return receipt requested, a copy of the foregoing Administrative Complaint and a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22, to the following persons at the addresses listed below:

Alan Box
Wind River Land & Cattle Company, LLC.
770 Wilderness Road
P.O. Box 642
Crowheart, WY 82512

Certified Return Receipt No. 7003 2260 0001 7779 2265

Wind River Land & Cattle Company, LLC.
c/o Mead & Mead
185 East Hansen
Jackson, WY 83001

Certified Return Receipt No. 7003 2260 0001 2272

I further certify that, on the date noted below, I sent by certified mail, return receipt requested, a copy of this document to the following person at the address listed below:

John Wagner, Administrator
Wyoming Department of Environmental Quality
Water Quality Division
122 West 25th Street
Herschler Building, 4th Floor West
Cheyenne, WY 82001

Certified Return Receipt No. 7003 2260 0001 7779 2289

The original and one copy was filed by hand with:

Tina Artemis
Regional Hearing Clerk (8RC)
U.S. EPA, Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

Date: 3/3/05

Judith M. McTernan

develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input to the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local or tribal governments. This rule does not impose any enforceable duties on these entities. Instead, it merely revises the procedural rules governing EPA's administrative enforcement proceedings.

F. Executive Order 13045

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the E.O. 13045 because it is not "economically significant" as defined in E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

G. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the

development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

I. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 22

Environment protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Hazardous waste, Penalties, Pesticides and pests, Poison prevention, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: June 30, 1999.

Carol M. Browner,
Administrator.

Therefore, 40 CFR part 22 is revised to read as follows:

PART 22—CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION ORDERS, AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS

Subpart A—General

Sec.

- 22.1 Scope of this part.
- 22.2 Use of number and gender.
- 22.3 Definitions.
- 22.4 Powers and duties of the Environmental Appeals Board, Regional Judicial Officer and Presiding Officer; disqualification, withdrawal, and reassignment.
- 22.5 Filing, service, and form of all filed documents; business confidentiality claims.
- 22.6 Filing and service of rulings, orders and decisions.
- 22.7 Computation and extension of time.
- 22.8 Ex parte discussion of proceeding.
- 22.9 Examination of documents filed.

Subpart B—Parties and Appearances

- 22.10 Appearances.
- 22.11 Intervention and non-party briefs.
- 22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

- 22.13 Commencement of a proceeding.
- 22.14 Complaint.
- 22.15 Answer to the complaint.
- 22.16 Motions.
- 22.17 Default.
- 22.18 Quick resolution; settlement; alternative dispute resolution.
- 22.19 Prehearing information exchange; prehearing conference; other discovery.
- 22.20 Accelerated decision; decision to dismiss.

Subpart D—Hearing Procedures

- 22.21 Assignment of Presiding Officer; scheduling the hearing.
- 22.22 Evidence.
- 22.23 Objections and offers of proof.
- 22.24 Burden of presentation; burden of persuasion; preponderance of the evidence standard.
- 22.25 Filing the transcript.
- 22.26 Proposed findings, conclusions, and order.

Subpart E—Initial Decision and Motion to Reopen a Hearing

- 22.27 Initial decision.
- 22.28 Motion to reopen a hearing.

Subpart F—Appeals and Administrative Review

- 22.29 Appeal from or review of interlocutory orders or rulings.
- 22.30 Appeal from or review of initial decision.